

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AARON TAYLOR,

Plaintiff

V.

**HARRISBURG POLICE
DEPARTMENT, *et al.*,**

Defendant

* * * * *

AARON TAYLOR,

Plaintiff

V.

**HARRISBURG POLICE
DEPARTMENT, *et al.*,**

Defendant

CIVIL NO. 1:15-CV-1413

(Judge Rambo)

(Magistrate Judge Carlson)

CIVIL NO. 1:15-CV-1414

(Judge Rambo)

(Magistrate Judge Carlson)

MEMORANDUM

Before the court is a report and recommendation (Doc. 6) in each of the captioned cases filed by the magistrate judge to whom these cases were referred in which he recommends that the cases be dismissed and that the claims set forth therein be litigated in the case first filed, captioned *Taylor v. Harrisburg Police Department*, No. 1:15-CV-0543, assigned to Judge Jones. There have been no objections filed by Plaintiff Taylor to the reports and recommendation.

The report and recommendation was filed on July 23, 2015. On July 27, 2015, Judge Jones issued an order dismissing case number 1:15-CV-0543. Thus, there is now no existing case to which the claims in the captioned matters can be

referred. Thus, this court will address the magistrate judge's analysis as to the recommendation to dismiss the captioned law suits.

The claim against the Harrisburg Police Department is not proper since a police department is not a proper defendant in an action brought pursuant to 42 U.S.C. § 1983. (Doc. 6 at p. 14.) The magistrate judge is further correct that, assuming Taylor intended to sue the City of Harrisburg, the complaint fails to identify a policy or custom that has resulted in the infliction of injury. As to the liability of the individual police officers, the magistrate judge correctly opines that the complaints fail to meet the pleading standards set forth in *Bell Atlantic Corp. v. Twombly*, 530 U.S. 544 (2007) and *Ashcroft v. Iqbal*, _____ U.S. _____, 129 S. Ct. 1937 (2009).

For the foregoing reasons, the reports and recommendation will be adopted in part and rejected in part. An appropriate order will be issued.

s/Sylvia H. Rambo
United States District Judge

Dated: August 13, 2015.